



W.P. No.974 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.974 of 2023

A.Murugan

... Petitioner

versus

1.The Divisional Engineer (H)
Chennai Metropolitan Development Plan,
Sub Division I, Guindy, Chennai 600 032

2.The Assistant Divisional Engineer (H),
CMDP Sub Division I,
Guindy, Chennai 600032

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the show-cause notice dated 05.12.2022 issued by 2nd respondent and the consequential notice dated 04.01.2023 issued by the 1st respondent, quash the same and consequently forbear the respondents from demolishing any portion of the building put up in no.45, East Coast Road, Chennai 41, comprised in T.S.No.51& 52, Block 36, Tiruvanmiyur, Velachery Taluk of Chennai District (East Coast Road).

For the Petitioner : Mr.G.Ethirajulu

For the Respondents : Mr.P.Muthukumar,
State Government Pleader

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ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has come to this court questioning the correctness of the notices dated 05.12.2022 issued by the second respondent and the consequential notice dated 04.01.2023 issued by the first respondent, directing the petitioner to remove the encroachment made by him on the East Coast Road.

2. According to the petitioner, he has not made any encroachment. Indeed, the petitioner has left more than 80 feet breadth and 70 feet length vacant site, i.e. to an extent of 1260 sq.ft. (nearly 3 cents), between steps of his building and the western side edge of the East Coast Road. Therefore, the respondents are not correct in saying that petitioner has encroached into the East Coast Road by erecting RCC building to an extent of 240 sq.m.

3. The learned counsel for the petitioner referred to the impugned notice dated 04.01.2023 and submitted that though the first respondent has mentioned in the notice that they would undertake a survey in the presence of the petitioner, till date no survey has taken place.

4. At this stage, Mr.P.Muthukumar, learned State Government Pleader,



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submitted that survey has already been conducted with prior notice to the petitioner, and only on the findings of the survey, action has been taken to order eviction.

5. In view of the above statement of the learned State Government Pleader, we do not find any merits in the writ petition. Hence, the writ petition fails and the same is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
11.01.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

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